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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ETOPIA EVANS, as the Representative of the)
Estate of Charles Evans, et al.,)

Plaintiffs,)

vs.)

ARIZONA CARDINALS FOOTBALL CLUB,)
LLC, et al.,)

Defendants.)

Case No. 3:16-cv-01030-WHA

NOTICE OF INTENT NOT TO PROCEED
WITH CLASS CERTIFICATION

1 Plaintiffs Alphonso Carreker and Reginald Walker hereby file this notice that they do not
2 intend to proceed with their class action claims against defendants PDB Sports, Ltd. (“Broncos”),
3 Chargers Football Company, LLC (“Chargers”) and Green Bay Packers, Inc. (“Packers”), except as
4 set forth below, and state as follows:

- 5 1. On May 15, 2017, this Court dismissed all claims against all defendants in this matter
6 save for Mr. Carreker and Mr. Walker’s claims against the Broncos, Chargers and
7 Packers. Where once 13 plaintiffs stood, now only two remain; where once 32
8 defendants stood, now only three remain. In that order, the Court extended the
9 deadline to seek class certification from May 18 to June 1.
10
- 11 2. Plaintiffs expended a tremendous amount of resources preparing to seek class
12 certification as to all 32 defendants and were prepared to file their motion on May
13 18. But in light of the aforementioned dismissal, careful thought was given as to the
14 utility of proceeding against three defendants only.
15
- 16 3. Plaintiffs have filed herewith a motion pursuant to Fed. R. Civ. P. 54(b) asking this
17 Court to certify the dismissed claims as appealable and stay the remaining
18 claims. Should the Court grant that motion, it would be most efficient for (and
19 Plaintiffs have requested that) the stay begin as of the date the motion was filed, thus
20 preserving those deadlines existing as of that date for any claims that might be
21 revived upon appeal. Put simply, if that motion is granted and Plaintiffs receive all
22 the relief they request, the June 1 deadline would be moot and, once the case returns
23 from appeal, presumably the parties and Court would confer as to any remaining
24 deadlines in the case, including class certification.
25
- 26 4. Should the Court not provide the necessary relief to preserve the June 1 deadline, Mr.
27 Carreker and Mr. Walker recognize that they may have foregone their ability to
28

1 pursue a class action on their surviving claims against the surviving defendants. But
2 considering the interests of the potential class, and not just their own interests, they
3 have decided that the best course of action is not to proceed with a class certification
4 motion, respectfully reserving the right to seek leave to file such a motion at a later
5 date should the United States Court of Appeals for the Ninth Circuit reverse the May
6 15, 2017 Order of this Court, or any other Order this Court has issued in this matter
7 that Plaintiffs might appeal.
8

9 DATED: May 31, 2017

William N. Sinclair
Andrew G. Slutkin
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Steven L. Leites
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13 /s/ William N. Sinclair

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